

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code chapters 137C and 137D and sections 10A.104 and 137F.2, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 31, “Food Establishment and Food Processing Plant Inspections,” Iowa Administrative Code.

The Department is proposing this rule making to make technical corrections to Chapter 31, which was last amended in 2013. The proposed amendments update references to the most current version of the Code of Federal Regulations (CFR) related to food processing and add two additional CFR provisions.

The proposed amendments:

- Clarify provisions related to certified food protection managers and add an exception for certain taverns that serve food;
- Reinstate an exception to the Food Code related to reduced oxygen packaging of meat products in retail operations, which was inadvertently omitted in the 2013 revision;
- Update food processing standards from the 2013 CFR to the 2014 CFR;
- Add provisions related to certain color additives; and
- Add provisions related to canned vegetables.

Prior to drafting this rule making, the Department circulated the proposed amendments to municipal corporations under agreement with the Department, affected state agencies, and industry, professional and consumer groups. Comments were reviewed, and changes were incorporated into the rule making as appropriate.

Any interested person may make written suggestions or comments on the proposed amendments on or before February 24, 2015. Such written materials should be directed to Steven Mandernach, Department of Inspections and Appeals, Third Floor, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319; fax (515)281-3291; or e-mail steven.mandernach@dia.iowa.gov.

The rules are subject to waiver under the Department’s general waiver provisions contained in 481—Chapter 6.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 10A and 137F.

The following amendments are proposed.

ITEM 1. Amend subrule 31.1(1) as follows:

31.1(1) *Certified food protection manager required.* For purposes of section 2-102.12 of the 2009 Food Code with Supplement, establishments that sell only prepackaged foods are not required to employ an individual who ~~has completed~~ is a certified food protection manager ~~course~~. Temporary food establishments are not required to employ an individual who ~~has completed~~ is a certified food protection manager ~~course~~. Bars or taverns at which food is not prepared, where customers may purchase alcoholic beverages, and where the serving of food is limited to the service of ice, beverages, prepackaged snack foods, popcorn, or peanuts and the reheating of commercially prepared foods that do not require assembly, such as frozen pizza or prepackaged sandwiches, are not required to employ an individual who is a certified food protection manager. For all other establishments, the following time frames apply for employment of an individual who ~~has completed~~ is a certified food protection manager ~~course~~:

a. For establishments newly licensed after January 1, 2014, the requirement of section 2-102.12 must be met within six months of licensure.

b. Establishments in existence as of January 1, 2014, that do not receive a foodborne illness risk factor or public health intervention violation on or before July 1, 2017, shall meet the requirement of section 2-102.12 by January 1, 2018.

c. Establishments in existence as of January 1, 2014, that receive a foodborne illness risk factor or public health intervention violation on or before July 1, 2017, shall meet the requirement of section 2-102.12 within six months of the violation.

d. If the individual meeting the requirement of section 2-102.12 leaves employment with an establishment required to meet section 2-102.12, the establishment shall meet the requirement of section 2-102.12 within six months.

ITEM 2. Amend subrule **31.1(8)**, paragraph “(F),” as follows:

(F) A HACCP PLAN is not required when a FOOD ESTABLISHMENT packages raw meat and poultry using a REDUCED OXYGEN PACKAGING method and includes on the package a 30-day “sell by” date from the date the raw meat or poultry was packaged or uses a REDUCED OXYGEN PACKAGING method to PACKAGE TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is always:

- (1) Labeled with the production time and date,
- (2) Held at 5°C (41°F) or less during refrigerated storage, and
- (3) Removed from its PACKAGE in the FOOD ESTABLISHMENT within 48 hours after PACKAGING.

ITEM 3. Amend subrule 31.2(9), introductory paragraph, as follows:

31.2(9) *Adoption of Code of Federal Regulations*. The following parts of the Code of Federal Regulations (April 1, ~~2013~~ 2014) are adopted:

ITEM 4. Reletter paragraphs **31.2(9)“e”** to **“ah”** as **31.2(9)“f”** to **“ai.”**

ITEM 5. Adopt the following new paragraph **31.2(9)“e”**:

e. 21 CFR Part 74.101 to 706 (listing of color additives subject to certification).

ITEM 6. Reletter paragraphs **31.2(9)“ai”** to **“bg”** as **31.2(9)“ak”** to **“bi.”**

ITEM 7. Adopt the following new paragraph **31.2(9)“aj”**:

aj. 21 CFR Part 155 (canned vegetables).